

UNOFFICIAL VERSION

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THURSDAY, JANUARY 21, 2021

THIRD EXTRAORDINARY DAY

CALL TO ORDER

The Senate met at 10:00 a.m., and was called to order by Mr. Speaker McNally.

PRAYER

The proceedings were opened with prayer by Reverend Aaron X. Marble of Jefferson Street Missionary Baptist Church in Nashville, Tennessee, a guest of Senator Gilmore.

PLEDGE OF ALLEGIANCE

Senator Gilmore led the Senate in the Pledge of Allegiance to the Flag.

SALUTE TO THE FLAG OF TENNESSEE

Senator Gilmore led the Senate in the Salute to the Flag of Tennessee.

ROLL CALL

The roll call was taken with the following results:

Present 28

Senators present were: Bailey, Bell, Bowling, Briggs, Campbell, Crowe, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Robinson, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager, Yarbrow and Mr. Speaker McNally--28.

COMMUNICATIONS

January 19, 2021

Lt. Governor McNally
Suite 700, Cordell Hull Building
Nashville, TN 37243

Dear Lt. Governor,

I will be unable to attend our Special Senate Session Thursday, January 21 or Friday, January 22, 2021. I would request that my absence be excused. Thank you for your attention to this request.

Respectfully,

/s/ Senator Raumesh Akbari
District 29, Shelby County
Tennessee General Assembly

APPROVED: Lieutenant Governor
Randy McNally

THURSDAY, JANUARY 21, 2021 – 3RD EXTRAORDINARY DAY

January 21, 2021

Lt. Governor McNally
Suite 700, Cordell Hull Building
Nashville, TN 37243

Dear Lt. Governor McNally,

I will be unable to make our Senate Session Thursday, January 21, 2021. I would request that my absence be excused. Thank you for your attention to this request.

Respectfully,

/s/ Sen. Becky Massey
6th District

APPROVED: Lieutenant Governor
Randy McNally

January 22, 2021

Lt. Governor Randy McNally
425 Rep. John Lewis Way N.
Suite 700 Cordell Hull Building
Nashville, TN 37243

To the Honorable Lt. Governor McNally,

I was unable to attend the Senate Session on 1/21/2021. This letter is to excuse my absence.

Please let me know if you need anything else from me relating to this absence.

Sincerely,

/s/ Joey Hensley, MD. State Senator

APPROVED: Lieutenant Governor
Randy McNally

January 22, 2021

Lt. Governor Randy McNally
425 Rep. John Lewis Way N.
Suite 700, Cordell Hull Building
Nashville, TN 37243

Chief Clerk Russell Humphrey
Tennessee State Capitol
600 Charlotte Ave.
2nd Floor
Nashville, TN 37243

Subject: January 21-22, 2021, Special Session Absence

Dear All,

Please excuse my absence as I am not feeling well.

Sincerely,

/s/ Senator Ed Jackson

APPROVED: Lieutenant Governor
Randy McNally

STANDING COMMITTEE REPORTS

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 1; also, recommend that Senate Bills Nos. 2 with amendment and 3 be referred to Committee on Finance, Ways and Means.

KELSEY, Chairperson
January 20, 2021

The Speaker announced that he had referred Senate Bill No. 1 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2 with amendment and 3 to Committee on Finance, Ways and Means.

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2 with amendments, 3 with amendment and 9 with amendment.

WATSON, Chairperson
January 21, 2021

The Speaker announced that he had referred Senate Bills Nos. 2 with amendments, 3 and 9 with amendment to the Committee on Calendar.

MOTION

Senator Johnson moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **Senate Bills Nos. 24 through 25** be passed on first consideration, which motion prevailed.

INTRODUCTION OF BILLS

The Speaker announced the following bills were filed for introduction and passed first consideration:

Senate Bill No. 24 by Senator Johnson.

Local Education Agencies -- As introduced, requires LEAs serving any of the grades K-8 to provide in-person instruction for students for a minimum of 70 days in the 2020-2021 school year by June 30, 2021, and the full 180 days in the 2021-2022 school year; the commissioner of education may withhold all or part of an LEAs BEP funding, if the LEA fails to comply with the in-person instruction requirements. Amends TCA Title 49.

Senate Bill No. 25 by Senator Johnson.

Teachers, Principals and School Personnel -- As introduced, requires the state, subject to appropriation, to increase state funding to the LEAs in the BEP instructional salaries and wages category in the 2020-2021 fiscal year and in the 2021-2022 fiscal year in the amounts identified in the general appropriations act of the first extraordinary session of the 112th General Assembly; requires LEAs to provide base salary increases for classroom teachers using the increase in funding. Amends TCA Title 49.

MOTION

Senator Johnson moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 22** be passed on second consideration and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced the following bills passed second consideration and were referred to the appropriate committees or held on the Clerk's desk:

Senate Bill No. 22 referred to the Committee on Education.

MOTION

Senator Johnson moved, pursuant to Rule 21, **Senate Joint Resolution No. 4** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 4 by Senator Pody.

Memorials, Recognition -- Ligon & Bobo Funeral Home, 100th anniversary.

MOTION

Senator Johnson moved that Rule 19 be suspended for the purpose of considering Consent Calendar next, which motion prevailed.

CONSENT CALENDAR

Senate Joint Resolution No. 1 -- Memorials, Public Service -- Mayor Ed Hagerty.

Senate Joint Resolution No. 2 -- Memorials, Recognition -- Dr. C. Brent Boles.

Senator Jackson moved that all Senate Joint Resolutions be adopted, which motion prevailed by the following vote:

Ayes 24
Nos 0

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--24.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved that Rule 19 and Rule 37 be suspended for the purpose of making and considering the Regular Calendar consisting of the following bills: **Senate Bills Nos. 1, 2, 3 and 9**, which motion prevailed by the following vote:

Ayes 25
Nos 3

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--25.

Senators voting no were: Campbell, Robinson and Yarbro--3.

A motion to reconsider was tabled.

MOTION

Senator Johnson moved that Rule 37 be suspended for the immediate consideration of **Senate Bill No. 9**, out of order, which motion prevailed.

CALENDAR

Senate Bill No. 9 -- Appropriations -- As introduced, makes appropriations sufficient to provide the first year's funding for any act which receives final passage during the first extraordinary session of the 112th General Assembly.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following sentences immediately preceding the final sentence in Section 3:

The Department of Education shall calculate and report the amount of increased funds that each public charter school should receive. The LEA shall include, in the per pupil funding amount required under Tennessee Code Annotated, Section 49-13-112(a), all increased funds that are due to public charter schools operating in the LEA.

AND FURTHER AMEND by adding the following sentences immediately preceding the final sentence in Section 4:

The Department of Education shall calculate and report the amount of increased funds that each public charter school should receive. The LEA shall include, in the per pupil funding amount required under Tennessee Code Annotated, Section 49-13-112(a), all increased funds that are due to public charter schools operating in the LEA.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 9**, as amended, passed its third and final consideration by the following vote:

Ayes 23
Noes 5

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Gardenhire, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--23.

Senators voting no were: Bowling, Campbell, Gilmore, Robinson and Yarbrow--5.

A motion to reconsider was tabled.

Senate Bill No. 3 -- Education -- As introduced, enacts the "Tennessee Literacy Success Act"; requires LEAs to provide foundational literacy skills instruction, provide reading interventions and supports, and administer universal reading screeners to students in kindergarten through grade three to improve reading proficiency. Amends TCA Title 49, Chapter 1; Title 49, Chapter 5 and Title 49, Chapter 6.

Senator Watson moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting § 49-1-905(g)(4) in the amendatory language of Section 3 and substituting instead the following:

(4)

(A) Each LEA and public charter school shall post the LEA's or public charter school's department-approved foundational literacy skills plan on the LEA's or public charter school's website.

(B) The department shall post the foundational literacy skills plan approved for each LEA and public charter school on the department's website.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3**, as amended, passed its third and final consideration by the following vote:

Ayes 25
Noes 3

Senators voting aye were: Bailey, Bell, Bowling, Briggs, Crowe, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--25.

Senators voting no were: Campbell, Robinson and Yarbrow--3.

A motion to reconsider was tabled.

Senate Bill No. 1 -- Education -- As introduced, excludes data generated by state assessments administered in the 2020-2021 school year, and data generated by alternative growth models used by LEAs in the 2020-2021 school year to evaluate teachers in non-tested grades and subjects, from certain accountability determinations; revises certain tenure eligibility requirements to account for the unavailability of data due to the cancellation of TCAP tests as a result of the COVID-19 pandemic. Amends TCA Title 49, Chapter 1, Part 2; Title 49, Chapter 1, Part 3; Title 49, Chapter 1, Part 6; Title 49, Chapter 5, Part 5 and Title 49, Chapter 6, Part 1.

Senate Bill No. 1 passed its third and final consideration by the following vote:

Ayes 23
Noes 5

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Gardenhire, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--23.

Senators voting no were: Bowling, Campbell, Gilmore, Robinson and Yarbrow--5.

A motion to reconsider was tabled.

MOTION

Senator Yarbrow moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 1**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 1 -- Memorials, Retirement -- Mary Hance.

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On motion of Senator Yarbrow, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 1** was concurred in.

A motion to reconsider was tabled.

MOTION

Senator Yarbrow moved that Rule 37 be suspended for the immediate consideration of **House Joint Resolution No. 2**, out of order, which motion prevailed.

RESOLUTION LYING OVER

House Joint Resolution No. 2 -- Memorials, Sports -- Sarah Fuller, Vanderbilt University.

On motion of Senator Yarbrow, the rules were suspended for the immediate consideration of the resolution.

On motion, **House Joint Resolution No. 2** was concurred in.

A motion to reconsider was tabled.

RECESS

Senator Johnson moved the Senate stand in recess for **15** minutes, which motion prevailed.

CALL TO ORDER

The Senate met at 4:15 p.m., and pursuant to Senate Rule of Order 3, was called to order by Speaker Pro Tempore Haile.

ROLL CALL

The Speaker declared that a quorum was present.

On motion, the roll call was dispensed with.

MOTION

Senator Johnson moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 5**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 5 by Senator Johnson.
General Assembly, Adjournment -- Adjourns sine die First Extraordinary Session of 112th General Assembly on January 21, 2021.

On motion of Senator Johnson, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 5** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2 -- Education -- As introduced, enacts the "Tennessee Learning Loss Remediation and Student Acceleration Act"; requires local education agencies and public charter schools to implement a program of after-school learning mini-camps, learning loss bridge camps, and summer learning camps to remediate student learning loss. Amends TCA Title 49, Chapter 6.

On motion, Senate Bill No. 2 was made to conform with **House Bill No. 4**.

On motion, House Bill No. 4, on same subject, was substituted for Senate Bill No. 2.

Senator Kelsey moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting § 49-6-1502(1)(A) in Section 1 and substituting instead:

(A) One (1) hour of in-person educational instruction provided at least four (4) days per week by a licensed teacher. If a licensed teacher is not available to provide the instruction, then the instruction may be provided by a Tennessee accelerating literacy and learning corps member. The educational instruction must be designed to engage students in STEAM instruction, activities, and learning;

AND FURTHER AMEND by deleting § 49-6-1502(4)(A) in Section 1 and substituting instead:

(A) Four (4) combined hours of in-person daily instruction, intervention, and supplemental supports in reading and math, provided five (5) days per week. Each LEA or participating public charter school conducting a learning loss bridge camp shall determine the number of minutes of instruction, intervention, and supplement supports per subject; provided, that all students must receive at least one (1) hour of instruction in reading and one (1) hour of instruction in math per day. Instruction, intervention, and supplemental supports in reading and math must be provided by a teacher licensed and endorsed to teach the subjects and grades served, using instructional materials adopted by the state board of education or provided by the department. If a teacher licensed and endorsed to teach the subjects and grades served is not available to provide the instruction, intervention, and supplemental supports, then the instruction, intervention, and supplemental supports may be provided by a candidate enrolled in an educator preparation program, or a person with a college degree who has successfully completed a learning loss and remediation and student acceleration program preparation course, using instructional materials adopted by the state board of education or provided by the department;

AND FURTHER AMEND by deleting § 49-6-1502(9)(A) in Section 1 and substituting instead:

(A) Four (4) combined hours of in-person daily instruction, intervention, and supplemental supports in reading and math, provided five (5) days per week. Each LEA or participating public charter school conducting a summer learning camp shall determine the number of minutes of instruction, intervention, and supplemental supports per subject; provided, that all students must receive at least one (1) hour of instruction in reading and one (1) hour of instruction in math per day. Instruction, intervention, and supplemental supports in reading and math must be provided by a teacher licensed and endorsed to teach the subjects and grades served, using instructional materials adopted by the state board of education or provided by the department. If a teacher licensed and endorsed to teach the subjects and grades served is not available to provide the instruction, intervention, and supplemental supports, then the instruction, intervention, and supplemental supports may be provided by a candidate enrolled in an educator preparation program, or a person with a college degree who has successfully completed a learning loss and remediation and student acceleration program preparation course, using instructional materials adopted by the state board of education or provided by the department;

On motion, Amendment No. 1 was adopted.

On motion of Senator Watson, Amendment No. 2 was withdrawn.

Senator Watson moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the language "science, technology, engineering, the arts, and mathematics (STEAM)" in **49-6-1502(1)** of Section 1 and substituting "science, technology, reading, engineering, the arts, and mathematics (STREAM)".

AND FURTHER AMEND by deleting the language "STEAM" in **49-6-1502(1)(A)** of Section 1 and substituting "STREAM".

On motion, Amendment No. 3 was adopted.

Senator Watson moved to amend as follows:

AMENDMENT NO. 4

AMEND by deleting the word "and" at the end of § 49-6-1503(a)(4) in Section 1; by deleting the period "." at the end of § 49-6-1503(a)(5) in Section 1 and substituting instead "; and"; and by adding the following as a new subdivision (6) in § 49-6-1503(a) in Section 1:

(6) Establishing a process for LEAs or participating public charter schools to apply to the commissioner of education for a waiver of the one (1) or more of the minimum requirements outlined in § 49-6-1502(1)(A), (4)(A)-(C), and (9)(A)-(C) related to the hours, weeks, and days of in-person instruction, intervention, supplemental supports, and physical activity mandated for after-school learning mini-camps, learning loss bridge camps, and summer learning camps.

On motion, Amendment No. 4 was adopted.

On motion of Senator Watson, Amendment No. 5 was withdrawn.

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Thereupon, **House Bill No. 4**, as amended, passed its third and final consideration by the following vote:

Ayes 24
Noes 4

Senators voting aye were: Bailey, Bell, Briggs, Crowe, Gardenhire, Gilmore, Haile, Johnson, Kelsey, Lundberg, Niceley, Pody, Powers, Reeves, Roberts, Rose, Southerland, Stevens, Swann, Walley, Watson, White, Yager and Mr. Speaker McNally--24.

Senators voting no were: Bowling, Campbell, Robinson and Yarbro--4.

A motion to reconsider was tabled.

RECESS

Senator Johnson moved the Senate stand in recess until 6:30 p.m., which motion prevailed.

CALL TO ORDER

The Senate was called to order by Mr. Speaker McNally.

ROLL CALL

The roll call was taken with the following results:

Present 2

Senators present were: Lundberg and Yarbro--2.

The Clerk declared that the Senate stand in recess until 9:30 a.m., Friday, January 22, 2021, due to lack of a quorum.

MOTION

On motion of Senators Yager, Haile, Powers, Reeves and Rose, their names were added as sponsors of **Senate Bill No. 1**.

On motion of Senators Haile, Powers, Reeves and Rose, their names were added as sponsors of **Senate Bill No. 2**.

On motion of Senators Powers, Reeves and Rose, their names were added as sponsors of **Senate Bill No. 3**.

On motion of Senators Haile, Kelsey, Powers, Reeves and Rose, their names were added as sponsors of **Senate Bill No. 9**.

On motion of Senator Haile, his name was added as sponsor of **Senate Joint Resolution No. 1**.

On motion of Senators Bowling, Haile and White, their names were added as sponsors of **Senate Joint Resolution No. 2**.

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On motion of Senators Yarbrow, Campbell, Gilmore and Haile, their names were added as sponsors of **House Joint Resolutions Nos. 1 and 2.**

ENGROSSED BILLS

January 21, 2021

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolutions Nos. 1 and 2; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON
Deputy Chief Clerk

ENGROSSED BILLS

January 21, 2021

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 9; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON
Deputy Chief Clerk

ENGROSSED BILLS

January 21, 2021

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 3; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON
Deputy Chief Clerk

ENGROSSED BILLS

January 21, 2021

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Bill No. 1; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON
Deputy Chief Clerk

ENGROSSED BILLS

January 21, 2021

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined: Senate Joint Resolution No. 5; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON
Deputy Chief Clerk

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MESSAGE FROM THE HOUSE

January 21, 2021

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 4; passed by the House.

TAMMY LETZLER
Chief Clerk

MESSAGE FROM THE HOUSE

January 21, 2021

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 1 and 2; adopted, for the Senate's action.

TAMMY LETZLER
Chief Clerk

MESSAGE FROM THE HOUSE

January 21, 2021

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 4 and 5; adopted, for the Senate's action.

TAMMY LETZLER
Chief Clerk

MESSAGE FROM THE HOUSE

January 21, 2021

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3; substituted for House Bill on same subject and passed by the House.

TAMMY LETZLER
Chief Clerk

MESSAGE FROM THE HOUSE

January 21, 2021

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 1; substituted for House Bill on same subject and passed by the House.

TAMMY LETZLER
Chief Clerk

ADJOURNMENT

Senator Johnson moved the Senate adjourn until 9:30 a.m., Friday, January 22, 2021, which motion prevailed.